

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

CHRISTOPHER FAIN and SHAUNTAE
ANDERSON; individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

WILLIAM CROUCH, *et al.*,

Defendants.

CIVIL ACTION NO. 3:20-cv-00740
HON. ROBERT C. CHAMBERS

**PLAINTIFFS' MOTION TO EXCLUDE
EXPERT TESTIMONY OF STEPHEN B. LEVINE, M.D.**

Now come, Plaintiffs, by and through their counsel, and respectfully move this Court to exclude the expert report, opinions, and testimony of Defendants' proposed expert, Stephen B. Levine, M.D., pursuant to Federal Rules of Civil Procedure 26 and 37, and Federal Rules of Evidence 104, 403, and 702. Dr. Levine is not a qualified expert on gender dysphoria or its treatment, and his opinions and testimony are neither relevant nor reliable pursuant to the standards set forth in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), and its progeny. His opinions and testimony are likewise inadmissible because any probative value they may have is substantially outweighed by the danger of unfair prejudice, confusion of the issues, waste of time, undue delay, and needless presentation of cumulative evidence. *See* Fed. R. Evid. 403.

A memorandum of law is filed contemporaneously herewith.

Dated: May 31, 2022

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document, and any attachments, were served
electronically on May 31, 2022 on the following counsel for Defendants in this case:

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Dated: May 31, 2022

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